## ARMENIAN SITUATION

communication from Secretary Olney on the Turkish Outrages.

LULL IN THE TURBULENCE.

It is Sciicved to Be More Apparent Than Rent-American Women and

WASHINGTON, December 19 .- The President to-day transmitted to Congress communication from Secretary Olney the Armenian outrages, in response to he resolution of the Senate,

Secretary Olney states that the number of citizens of the United States resident the Turkish empire is not accurately own; but there are 172 American misconstics and dependents scattered over American citizens engaged in business the Turkish dominions, and others riginally Turkish subjects, but now natralized citizens of the United States, The bulk of this American element is to be found remote from our few consular

He bears testimony to the energy and mothess displayed by our Minister. Mr. Terrill, in taking measures for their protection, which had received the moral apport of naval versels of the United

lie adds that while the physical safety United States citizens seemed to be ured, their property had been destroyd at Harpoot and Marash, in the former use to the extent of \$100,000. The Turkish mment had been notified that it would be held responsible for immediate and full satisfaction for all injuries on that score. The loss of American pro-perty at Marash had not been ascer-tained, but a like demand for adequate indemnity would be made as soon as the

of Frank Lenz, the American bicyclist, and states that six persons, "Koords and Armenians," were to be put on trial for

#### DESERVING ATTENTION.

The case of George Webber, a naturalized citizen of the United States, born in Bavaria, is referred to as deserving attention. He, a man 70 years old, was capriciously arrested at Konia and transported part of the distance on foot and part on a rough cart, to Broussa, and thrown into prison, where Broussa, and thrown into prison, where he died during the night, without medical attendance, and from the result of his rough treatment. Demand had been made for the removal of the officials guilty of this cruelty, who, it is stated, entirely disregarded Webber's American passports, but it is added: "These just demands have not so far borne fruit."

A third incident is monitored, as followed.

A third incident is mentioned, as follows: On the night of the 4th of August, the premises of Dr. Christie, principal of St. Paul's Institute, at Tarsus, who was spending the summer months at the relighboring village of Namroun, were invaded by an armed mob, obviously in pursuance of a preconcerted plan, and an outrageous attack made on a defenceless native servant of Dr. Christic's, and on some students of the institute, who were then at Namroun. The authors of this brutal attack were abundantly identified, and through the prompt intervention. was spending the summer months at the this brutal attack were abundantly localilied, and through the prompt intervention
of the United States Consul at Beiru,
and the consular agent at Merzine (the
roarest port) a number of arrests were
loade. Notwithstanding the peremptory
demand of the United States Minister for
simple justice, however, the assaliants,
when taken before the local Judge of
Tarana were released.

arsus, were released. So grave did this miscarriage of justice So grave did this miscarriage of justice appear that an early occasion was taken to send the Marblehead to Merzine to investigate the incident, and lend all proper moral aid to the consular representatives of the United States in pressing for due redress. Their efforts to this end were most cordially seconded by the Prefect of Merzine, and on October 28th last the accused, to the number of eight, were brought to trial at Tarsus, and convicted upon the evidence, subsequently confessing their guilt.

tng their guilt.

The signal rebuke administered in high places, where responsibility really existed and was abused, coupled with the establishment of the important principle that American domicile in Turkey may not be violated with impunity, renders the conclusion of this incident satisfactory. EXTRA-TERRITORIAL JURISDIC-

Secretary Olney continues as follows "Besides the foregoing cases of physical injury to the persons of American citi-zens, or invasion of domiciliary rights, the language of the Senate resolution

the language of the Senate resolution nay be construed as covering the cases of arrests of such citizens, and of proceedings against them in violation of reaty rights. A number of instances of this character have occurred.

"As the subject is a development of the long-standing contention between the United States and Turkey touching the true intent and construction of the fourth article in the treaty of 1830, in relation to the extra-territorial jurisdiction of the United States over its citizens committing offences in Turkey, its elaborate discussion in this place is neither practical nor opportune. ractical nor opportune.

It suffices to say that, although the treaty in terms gives to ministers and

treaty in terms gives to ministers and consuls authority and power to punish American offenders, the Ottoman Government, while admitting to this extent the English rendering of the treaty, has on frequent occasions assumed to imprison citizens of the United States in criminal charges, and denied the right of the agents of this government to

"A fruitful source of such assertion of furtherity is found in the case of per-cus of Armenian origin, naturalized the United States, and returning with-

n the United States, and returning within the territorial jurisdiction of Turkey ander circumstances suggesting their remplicity in the revolutionary schemes alleged to be rife is Asia Minor.

Holding, as it must and should, that no distinction can exist under the states of the United States between native and naturalizes citizens, so that it is a clearly the right and duty of this government to extend the full measure of its protection to the one as to the other, and finding neither in the treaty nor in mr jurisdictional explanation any disand finding neither in the treaty nor in jurisdictional explanation any disinction of the criminal offence charged—
but, on the contrary, seeing that by our
laws our ministers and consuls have express jurisdiction over charges of insurection and rebellion, when committed in
a foreign country by Americans, as well
as of lesser offences of a similar characer—this government is unable to forego
a right in the premises, and cannot reinquish jurisdiction over any citizen,
even though after maturalization he return to his native land and identify himelf with its political conspiracles.

ARMENIAN OUTRAGES.

Secretary Olney speaks of having little trustworthy information as to Armenian outrages, but says the fact that in the Sassoum District numbers of villages were destroyed and many thousands of defenceless Armenians were killed, under circumstances of great atrocity, and that no serious efforts on the part of the Turkish authorities were put forth to stay the slaughter, seems to be generally conceded. Since that time appalling outbreaks against Armenians have occurred in many other parts of Asia Minor.

At the latest advices, the report says, mob violence and slaughter appear to have been checked, or, at lenst, to have partially subsided. The Turkish Government has been emphatic in assurances of its purpose and ability to restore order in the affected localities.

But, says Mr. Olney, at the present moment the temporary lull in the turbulence is believed to be more apparent than real. A telegram just received from Minister Terrill, under date of the 18th, expresses the gravest apprehensions concerning the ultimate fate of American citizens in the disturbed region, unless the appalling massacres can be around. ARMENIAN OUTRAGES

cerning the ultimate fate of American citizens in the disturbed region, unless the appalling massacres can be stopped by united efforts on the part of the Christian Powers. He sees no hope, however, of a European concert to that end. He says that if missionaries wish to leave Turkey he can procure their transportation to Christian ports. If men wish to remain he can get escort for all to the sea coast, whereupon the men can return; but he adds that women and children should quit Turkey.

#### FEDERAL HOUSE COMMITTEES.

Cannon for Appropriations Chairmanship-Dingley and Payne.

WASHINGTON, D. C., December 19.ommittees to-morrow, provided the resolution for the holiday recess is concurred in by the Senate, but in case of nonaction on the resolution, the announce-ment of the committees will be next-poned until the day of adjournment for

the holidays.

It is asserted to-night that Mr. Henderson, of lowa, will not be the chairman of the Appropriations Committee, of which he is the senior Republican mem-

If this report be true, and it is apparently well founded, there is little doubt hat the position will go again to dir. Carnon, of Illinois, who held he chairmanship in the Fifty-first Con-

is not unlikely that Speaker Reed, cellent service, will place him upon the Committee on Rules, and bestow the chairmanship of a good committee upon

Mr. Dingley, of Maine, will be the next chairman of the Committee on Ways and Means, and that Mr. Se-reno Payne, of New York, will be placed second on the committee, are replaced second on the committee, are re-peated with so much positiveness as to give assurance of substantial founda-

Battleships and Torpedo-Boats.

Battleships and Torpedo-Boats.
WASHINGTON, December 19.—Mr. Hale
to-day introduced in the Senate a bill
authorizing the President to have constructed by contract with the lowest responsible bidder, six sea-going coastline steel battleships of about 11.00 tons
displacement, designed to carry the
heaviest armor and the most powerful
ordnance, and of the highest rate of
speed, to cost \$4,000,000 each; and for
twenty-five torpedo-boats to cost \$175,000
each.

nor more than six of the torpedo-boats are to be built on the Pacific coast, nor more than two of either class built in

Committees To-Day or To-Morrow. WASHINGTON, December 19.—Speaker Reed will announce the House committees on to-morrow or Saturday at the latest. on to-morrow or Saturday at the latest. The work is practically completed, although changes may be made until the moment of their announcement. Speaker Reed explained to-day that he changed three chairmanships in the Fifty-first Congress while the list was being read from the Clerk's desk, and that the haste with which the committees were made up

For Relief of Postmaster Tucker.

WASHINGTON. December 19.—Mr. Martin, of Virginia, to-day introduced a bill in the Senate to pay Irwin Tucker, postmaster at Newport News, Va. 34,373, being the value of stamps and money-order funds stolen from his office on

Nominations Confirmed.

Washington, December 13.—The Senate, in executive session to-day, confirmed the following nominations:
Willis L. Moore, to be Chief of the Weather Bureau.
Wheeleck G. Veasey, to be an Interstate Commerce Commissioner,

## THE JENKINS DEFALCATION.

Preliminary Hearing Continued on Account of Befendant's Illness.

SUFFOLK, VA., December 19.-The preiminary hearing of Charles W. Jenkins, the defaulting paying teller of the Farmers' Bank, of Nansemond, was called to ers' Bank, of Nansemond, was called today, and continued till next Monday,
on account of Jenkins's physical incapacity to appear in court. His physician
testified on oath that he was suffering
from an attack of nervous prostration
so severe that he could not walk.

The accused will remain in the custody
of an officer at his home, where he has
heen confined since arrest.

Three warrants have been issued, two
for making false entries, and one for

for making false entries, and one for feioniously taking United States currency The amount of the defalcation will reach

defendant had been employed at The defendant had been employed at the bank thirteen vears, during more than half of which period the peculations had been progressing systematically, and unsuspected by the officials, who had unlimited confidence in Jenkins.

He held a high social position, and the excitement incident to his arrest intensifies as the time for his trial approaches.

## THE WARM SPRINGS.

## Mrs. Eubank Has Leased It for Five

Years. It will be pleasant information to thousands to know that the news that Mrs. M. J. Eubank has leased the Warm M. J. Eubank has leased the Warm Springs is confirmed. The lease is for five years, and already work has been commenced in the direction of arranging for the opening next season of this celebrated resort under the management that during the past made it so famous. It is the determination of Mrs. Eubank to make it the old Warm in all the essentials that rendered the place so attractive under her previous proprietorship.

## The Dispatch and School Histories.

The Dispatch and School Histories.

(Charleston News and Courier.)

(Charleston News and Courier beauther. (Courier.)

(Charleston News and Courier beauther. (Courier.)

(Charleston News and Courier portesting against the partitisan historice that hate been used in our public and private schools, and have been hoping that better ones would be published and private schools, and have been hoping that better ones would be under the fourther.

(It all the Louis have been instructed to the house the house of o

## EIGHTH DISTRICT

Opponents of Mr. Meredith's for Renomination to Congress.

Divide Time in Public Talks for Benefit of Intversity Rebuilding

WASHINGTON, D. C., December 19 .-(Special )-The House not being in session, and the day being exceptionally fine and warm-just like a spring day-all the members of that body, including those from Virginia and North Carolina, made a round of the departments, or went sight-seeing. Up to 12 o'clock noon none of the latter had put in an appearance at the Capitol, and the House end was

exceedingly dull. Congressman Meredith, who usually goes to his home, near Manassas, when the House takes a recess for a day, will, perhaps, I understand, have considerable opposition for the nomination in his district, when the convention meets in June

It was expected by some of the as-pirants that Mr. Meredith would not be a candidate for renomination next year, but as he has announced himself, all doubts on that score are set at rest, and his opponents realize that they have a heard rean to hear.

his opponents realize that they have a hard man to beat.

Among those whose names are already before the voters of the Eighth District, and who are anxious to fill the seat now occupied by Mr. Meredith, are ex-State-Senator J. Walton Moore, of Fairfax county, a young man, able, brilliant, and popular, and who will probably get the solid delegation from his county; Hen, John F. Ryan, of Loudoun county, the distinguished Speaker of the House of Delegates, who will be solidly backed by the twenty-eight delegates from his county, and ex-Judge J, B. McCabe, also of Loudoun county.

Loudoun county.

Besides these there will be at least three more aspirants, who will announce themselves before the meeting of the convention in June next, so that as early as now there is every indication of a lively contest for the Eighth District

An interesting historical and literary treat, I am informed, is in store for Richmond and this city in the near future. At the request of Colonel William Lamb, of Norfolk, who was the southern commander at Fort Fisher, General N. M. Carris, the most conspicuous northerner. mander at Fort Fisher, General N. M. Curtis, the most conspicuous northerner in the fight there, having led the charge of Ames's Division against the fort, receiving six wounds in the engagement and being carried off for dead, will divide time in a joint lecture with Colonel Lamb, (one and a half hours each) on two or

more occasions.

Colonel Lamb, as is well remembered, was also desperately wounded at Fort Fisher, was captured, and was taken north, where he spent the greater portion of a year before recovery.

Each of these veteran officers will despend to the way appealing the recovery.

Each of these veteran officers will de-irespective accounts of the battle of Fort Fisher, for the benefit of the fund to rebuild the University of Vir-ginia, the Board of Visitors of which institution Colonel Lamb was a member for many years, and in which he takes a deep interest.

General Curtis, at the request of Colonel Lamb, assisted materially in get-ting the appropriation from Congress to reimburse William and Mary College for losses sustained during the war, and he also assisted in the passage of the bill for the benefit of Washington and Lee University, and is well and favorably known in Virginia.

TELEPHONIC.

Representative George L. Wellington, of Maryland, yesterday introduced a bill, which, if its object is effected, will be of considerable benefit to Richmond. The bill was to grant a franchise for this city to a telephone company, which will use the 'phones and switchboards manufactured in your city, two of which are seen on exhibition here.

will be required about 6,000 telephones, and proportionate switchboards—quite an interesting item for the Richmond manu-

PERSONAL

Mr. Frank D. Syrich, confidential clerk to the Commissioner-General of the immigration Bureau. Treasury Department, left yesterday for a brief vacalon at his home, in Richmond. Professor Julius D. Dreher, president of the faculty of Roanoke College, is here, stopping at the National. Representative Tyler left this evening, and will not return until after the holi-

Congressman Ellett went to Richn

Congressman Ellett went to Richmond this evening on business, but will return to-morrow.

Judga Atkins, who has been here settling up the business of the old Richmond and Danville railroad with the

outhern railway, returned home by the Southern rain.
afternoon train.
POSTAL.

POSTAL.

There were no fourth-class postmasters appointed to-day for either Virginia or North Carolina, but the following were ommissioned: Nat. G. Avent, Corinth, N. C.; Edward T. Smith, Cheapeside, Va.; Donna H. Simmons, Coonsville, Va.; Ada C. Clay, Wren, Va. A new office has been established at Sanville, Henry county, Va., of which William E. Craig is the postmaster.

ARRIVALS

ARRIVALS The hotel arrivals to-day include the ollowing: Z. V. Walser, Lexington, N. C., the Raieigh.
R. G. Bangan, Richmond, Va.; E. L.
Burton, Vienna, Va.; John McGowan,
Richmond, Va.; C. Delaplane and wife,

Richmond, Va.; C. Delapiane and wife, Virginia, Howard House.

Mrs. P. W. Carrington and Miss Rantolph. Metwood, Va.; E. H. Jackson, Front Royal; J. H. Larcun and wife, Petersburg, Va.; F. B. Galnes and wife, Virginia; T. W. Gentry, Richmond, Va.; John A. Augustine, Richmond, Va., St.

James.
J. F. Creger, Madison, Va.; C. Waite,
Culpeper, Va.; F. A. Haughton, Richmond, National.
G. W. Perry, J. C. Carroll, J. G. Hanah, Raleigh, N. C.; R. B. Williamson
and wife, Lynchburg, Va., Metropoli-

#### WASHINGTON TO THE JEWS. The First President's Letters to the

Jews of Newport. (New York Sun.) In the souvenir book of the Hebrew

fair appears a fac-simile of a letter addressed to the Jews of Newport by George Washington in 1790. The original is in the possession of Mr. Frederick Philips, of this city. It reads as fol-"Gentlemen: While I receive, with much

"Gentlemen: While I receive, with much satisfaction, your address replete with expressions of affection and esteem, I rejoice in the opportunity of assuring you that I shall always retain a gratefuremembrance of the cordial welcome I experienced in my visit to Newport from all classes of citizens.

"The reflection on the days of difficulty and danger which are past is rendered the more sweet 'rom a consciousness that they are succeeded by days of uncommon prosperity and security. If we have wisdom to make the best use of the advantages with which we are now favored we cannot fail, under the just administration of a good government, to become a great and a happy people.

"The citizens of the United States of America have a right to appland themselves for having given to mankind examples of an enlarged and likeral policy a policy worthy of imitation. All possess alike liberty of conscience and immuni-

ties of climenship. It is now no more that toleration is spoken of as if it was by the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights. For happily, the Government of the United States, which gives to bigotry no sanction, to persecution uo assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.

"It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration, and fervent wishes for my felicity. May the children of the stock of Abraham who dwell in this land continue to merit and enjoy

of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants, while every one shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid. May the Father of all Mercies scatter light and not darkness in our path, and make us all, in our several vocations, useful here, and, in His own due time and way, everlastingly happy.

everlastingly happy.
"G. WASHINGTON." It has been suggested that a copy of this letter be sent to Ahlwardt,

## SAMANNI-WERNER.

A Bultimore Marriage of Interest to Richmond People. The Baltimore Sun of yesterday says: Miss Jennie Werner, daughter of the late Henry Werner, was married yesterday to Mr. Louis Samanni, manager of the Eutaw House, and son of Mr. Francis

was at the home of the bride's mother.

Mrs. Mary Werner, 126 Jackson Place Rev. F. W. Clampett, rector of St. Peter's Protestant Episcopal church, per-formed the ceremony. The parlor of the house was handsomely decorated with plants and flowers. Large plants formed an arch, through which the bride passed, leaning on the arm of her brother-in-law. Mr. Harry Sloman, by whom she was given away. The groom, accompanied by Masters Jerome and Herbert Sloman, nephews of the bride, entered through an

opposite door.

The bride was gowned in blue crepon, trimmed with Persian lamb, chiffon, and lace. She wore hat and gloves to match

lace. She wore hat and gloves to match, and carried a shower bouquet of violets, sililes of the valley, and maidenhair fern. There were no ushers or bridesmaids. The couple left for a trip to Chicago, Port Huron, Toronto, Niagara Falls, and New York. On their return they will live at the Eutaw House.

Among those present at the ceremony were Mr. and Mrs. Francis Samanni, of Richmond; Mrs. V. Frankford, of Montgomery, Ala.; Mrs. Mary Werner, Mr. and Mrs. Stokes, Major and Mrs. Carrington, Miss Carrie Werner, Robert Crain, and Sidney C. Frank.

## Suddem Death of a Farmer

CULPEPER, VA., December 19.—(Special.)—Mr. George Mallory, a most prosperous farmer and greatly beloved citizen of this county, who resided about zen of this county, who resided about three miles east of here, was to-day, while at his home conversing with his cousin, suddenly stricken with heart failure, dying instantly. Manabout 42 years of age. He leaves a wife and several children.

#### ELECTED TWO OFFICERS.

Stratton, Physician, and Mr. Landers, Plumbing Inspector. The Democratic members of the City

purpose of nominating a physician to the poor to succeed Dr. William A. Deas, who recently resigned, and to agree upon a candidate for the office of Plumbing In-

a candidate for the onice of Pulmoing In-spector, which position has been created by a recent ordinance.

Mr. Turpin was made challman of the caucus, and City-Clerk B. T. August was chosen secretary. The first matter of business was the nomination of a physician to the poor to succeed Dr. Deas in the Third District. Those placed in nomi-

Aaron Jeffrey, by President Glover.
J. W. West, by Mr. Cottrell.
J. G. Lumpkin, by Mr. Walier-

stein.
Dr. P. H. Noble, by Mr. Noble.
Dr. T. E. Stratton, by Mr. Trower.
Dr. E. W. Gee, by Mr. Biske.
After several ballots, Dr. Stratton was selected to fill the vacancy over Dr. Jeffrey, his closest opponent.
The caucus then went into the nominacity to a telephone company, which will make the 'phones and switchboards manufactured in your city, two of which are now on exhibition here.

Should the franchise be granted, and he company establish itself here, there will be required about 6,000 telephones. was laid before the body by Mr. Joseph Walerstein. The endorsements of the several applicants were read, and the ballotting commenced. Mr. Landers was elected on the third ballot. The caucus then adjourned.

The two branches of the Council assembled immediately for the purpose of electing the nominees for Inspector of Plumbing and for Physician to the Poor. Dr. Deas's resignation was read and accepted.

d. Davis nominated Dr. T. E. Stratton the vacancy, and he was elected by

acclamation.

Mr. Thomas N. Landers was placed in
nomination for the office of Inspector of
Plumbing by Mr. Starke, and Mr. Landers
was unanimously e.ected.

## RICHMOND SENATE'S BANGUET

It Follows an Intersting Business Session at St. Albans Hall.

Richmond Senate, Ancient Essenic Order, held an important meeting at St. Albans Hall last night. The number of knights who turned out was unusually large, and the session was one of the most interesting that body has yet held.

large, and the session was one of the most interesting that body has yet held. The question of taking in the members of Washington and Lee Senate was further discussed, and more than half a dozen members of that senate expressed their intention to come into Ricamond Senate when the Washington and Lee shall have disbanded. Excellent-Senator Frank W. Cunningham presided in the east last night with his accustomed spiritedness.

A letter was read from Rev. J. H. Boyd, excellent senator of the Staunton Senate, and Sacredos of the Supreme Senate, expressing his regret that he was unable, by reason of sickness, to be present.

Excellent-Senator Cunningham appointed the following gentlemen as members of the Steward's Committee: Messrs, E. C. Garrison (cholyman), John M. Burch, Jr., Colonel E. L. Spence, W. B. Lagon, and B. C. Wherry, Jr.

After the business meeting had concluded the knights repaired to the diningroom below, where a splendid banquet was served by Grand-Steward Krause. Excellent-Senator Cunningham acted as loustmastea, and an evening of real pleasure was had by all in attendance. Short and humorous speeches were made by Mr. D. A. Kuyk, of Washington and Lee Senate; Dr. George F. Bagby, Dr. J. Page Massie, of Washington and Lee Senate; Dr. George F. Bagby, Dr. J. Page Massie, of Washington and Lee Senate; Dr. George F. Bagby, Dr. J. Page Massie, of Washington and Lee Senate; Mr. James W. Gordon, Colonel E. Lesile Spence, Mr. E. C. Garrison, Mr. J. A. Culien, Mr. M. E. C. Garrison, Mr. J. A. Culien, Mr. Myers, Mr. J. H. Shepherd, Mr. E. A. Shepherd, Mr. W. Mac. Jones, Mr. Joseph W. East, and others.

others.

The entertainment concluded with that familiar old song, "Auld Lang Syne."
The next meeting of Richmond Senate will be held on the third Thursday in January.

## His Fingers Crushed.

The ambulance was called at 2:10 yester-day afternion to the Dixie Plow-Works to attend Andy Mott, an employee there, who had four fingers of his left hand badly crushed in some machinery. He was carried to the almshouse, waere the fingers were amputated, after which he was taken to his home, No. 805 north Twenty-fifth street.

Something to Amuse Everybody.

Messrs. A. Saks & Co. yesterday placed on exhibition in one of their show-windows two interesting and amusing automatons, which were purchased in Paris recently by Mr. Saks, and they attracted a great deal of attention.

The figures are arranged with musical, as well as mechanical attachments, and their lifelike gestures and droll expressions amuse the old and young alike.

One represents a jolly minstrel, who makes music on the accordion and laughs thereat, and the other portrays a simpleton seated on a barrel eating a piece of pie. His evident enjoyment of the delicacy is as true to life as could well be imagined. The figures will be on exhibition until 10 o'clock each night during the Christmas holidays.

## AS TO EXTRA WATER

Interesting Decision of the Supreme Court Bearing Upon This Subject.

WAS A DISSATISFIED VICTIM.

This the View Held in One of the Entitled to the Lops-Other Opinlous Rendered Yesterday.

The Supreme Court of Appeals prac tically closed up its record for 1895 with yesterday's brief sitting, and there will be no further business until after the holidays.

Opinions were handed down yesterday in the following cases: Stearn's Executor vs. Richmond Paper Manufacturing Company. Opinion by

Judge Harrison This appeal involves the construction of the decree entered in September, 1890. (86 Va., 1034.)

The appellant was entitled from 1846 to a prescribed and limited flow of water from the canal, for which he was to pay \$300 a year; but for some years he received a much larger flow, without any question and without any additional rent. question and without any additional fent.
The control and ownership of this water
passed to the Richmond and Alleghany
Railroad Company. The paper factory,
just above the appellant, in order to obtain an adequate supply of water, was
forced to make a new contract; and the
same water passed through the premises
of the appellant, who thus enlayed the forced to make a new contract; and the same water passed through the premises of the appellant, who thus enjoyed the same benefit that the paper company did. In 1881 litigation commenced, and it was decided by the Court of Appeals, modifying a decision of the Chancery Court, that the appellant should pay the \$100 a year for the stipulated quantity, and should have the election of taking and paying his share of the cost of all the water which passed through his premises; and, if he did not so elect the paper-mill might divert from him said excess of water. In 1830 the appellant filed his election to take said excess and pay for it, and the Chancery Court held that he must pay for it, not only from the date of his election, but from that of the new contract by the paper-mill company. But this court does not sustain that view, and allows the appellees to be paid for the excess only from the time of appellant's election. Decree of Chancery Court of Richmond reversed.

Beckiev vs. Riverside Land Company et als. Opinion by Judge R. H. Cardwell. During the "boom" at Buchanan. Bottourt county, in October 1890, Beckley purchased from R. P. Bowyer two lots puid some cash, and afterwards received from Bowyer deeds for said lots and had them recorded; but they were subject to them recorded; but they were subject to a deed of trust by Bowyer to said land company, and said Beckley assumed the payment of Bowyer's notes to said com-pany. But Beckley did not pay said notes payment of Bowyer and a said and the company obtained judga against Bowyer, and then garnis Beckley, who was indebted to Bow and obtained judgment against him. issued and levied; but Beckley gave a forthcoming bond, which he forfeited, and a new execution was issued and placed in the Sheriff's hands. Then Beckley obtained from the Circuit Court of Lynchburg an injunction, and placed that the deeds for said lots be declared null and void; that the judgment on the garnishee proceedings be set aside, and a decree made against the Riverside Land Company for the renayment of the money already paid by him for the said lots upon the ground of false representations. The Riverside Land Company and Howyer demurred to and answered Beckley's bills and denied his allegations. The Circuit Court of Lynchburg dissolved the lujunction and gave a decree to said company for 10 per cent. damages, interest, and costs. From this Beckley appealed.

This court says that the assignment of error is of a general character—that upon the facts and law of the case the decree is erroneous. The law is well settled by recent decisions of this court that misrepressentations, when material, relied upon, and acted upon, will furnish good ground for relief. This appellant might be precluded by his own neglect and delay; for he asserted no claim for a rescission of his contract with Bowyer until the execution was issued on his forfeited forthcoming bond; and even if he were entitled to relief. It might be against Bowyer only. But examining the

A LAND BOOM CASE

were entitled to relief. It might be against Bowyer only. But examining the case upon its merits, this court holds that the allegations as to false representations are not sustained; that the apnel-lant was one of the dissatisfied victims of the "land-boom" period, and the de-cree of the court below must be affirmed.

FIRE-INSURANCE POLICY. Goode & Co. vs. Georgia Home Insur-Goode & Co. vs. Georgia Home Insur-ance Company. Opinion by Judge Buch-anan. This was an action of assumpsit upon a policy of fire insurance, which was solicited and obtained by Robert E. Harris, son of Thomas B. Harris, who, with another son, was the general agent, at Culpeper, for the Home Insurance Company, Robert E. Harris was the so-licitor, and subsected of the general Company. Robert E. Harris was the solicitor and sub-agent of the general agents. The trial court excluded evidence of the acts, etc., of Robert E. Harris, and also gave judgment in favor of defendant upon its demurrer to the evidence. The plaintiffs wished to show that R. E. Harris had knowledge of the d eed of trus and the other insurance on which the defendants relied, as contrary to the application, and vitiating the policy. Held by this court that the insurer is not only responsible for the acts of its general agents but also for the acts of the clerks or employees of the agents to whom they delegate authority to discharge their functions within the scope of their agency. This question has been their agency. This question has been much discussed, but the above is now the better view. A number of authorities are cited, and the judgment is reversed.

ACTION OF EJECTMENT. Jennings vs. Gravely, etc. Opinion de-livered by President Keith. This was an action of ejectment by Mary F, and P. B. Gravely vs. Jennings, for the recovery of a tract of land. Defendant gave notice of defence, under the statute, "that the property sued for was sold under a deproperty sued for was sold under a de-cree of the County Court of Pittsylvania, and fully paid for, though no deed was made therefor." The case was tried by the Court, without a jury, and judgment given for the plaintiffs. Jennings ap-pealed.

The evidence of the defendants in error showed that they were the holders of the

showed that they were the holders of the legal title, and had the right to possession when the action was commenced. The defence of equitable title attempted to be set up, under section 2741 of the Code cannot be made available in this instance. The opinions of J. Baldwin, in Davis and others vs. Teays and others, 3 Grattan, 28, and of Staples, Jr., in Suttle vs. Railroad Company, 75h Virginia, are quoted. Judgment affirmed.

Personalty to Pay Debta.

New's Executrix vs. Bass, Brown & Co. Opinion by Judge Cardwell. The personal estate of a deceased person is the natural and primary fund for the payment of debts and legacies, and as a general rule must be first exhausted before the real estate can be made liable, and the personal property will not be exonerated by a charge on the real estate unless there be express words or a plain intent in the will to make such exoneration. The will of W. W. New (who was a member of a partnership and had executed liens upon his real estate did not make any such exoneration, and a commissioner had reported that the personal estate was sufficient to pay his debts. It was error, therefore, for the court to direct his real estate to be sold before his personalty had been applied. A devisee under his will, whose interest depended upon the death, without issue, of testator's two infant children, need not be a party to the suit, her interest too remote. The cause remanded to the Corporation Court of

## anville for further proceedings, in ac-

NOT ENTITLED TO DAMAGES.

NOT ENTITLED TO DAMAGES.

Reynolds vs. Richmond and Manchester Railway Company. Opinion by Judge Harrison. This was a suit for damages on account of an injury received by Reynolds from a fail, while attempting to get on the car of the company. Judgment against Reynolds affirmed. Witness to prove his character for truth properly excluded, because his character was not really assailed. He had received a number of injuries from other causes.

Allen vs. Crank, &c. Opinion by Judge Harrison. Mrs. Allen sold to Crank all the timber of 6 inches in diameter on her estate, called "Upper Tuckahoe." Afterwards she, by bills in equity, complained that the purchasers were operating their saw-mill upon her pasture; that she had sold them only pine timber and was entitled to the "lops," and the purchasers had practiced fraud upon her. The Court held that her written contract could not be altered by limiting the timber to pine; that no fraud was practiced upon her, and that the defendants were entitled to the "lops." Judgment affirmed.

OTHER CASES.

OTHER CASES. Crawford's Administrator vs. Smith's Executors. Rehearing granted to a decree rendered by this court at its place of session, in Staunton; September term thereof.

thereof.

Buena Vista Company vs. McCandish & Clowes. Petition to rehear judgment at a former day of this term refused.

Lilianfields vs. Commonwealth. It is ordered that this case, which is pending on the docket of this court at Staunton, be forthwith printed, and then transferred to the docket of this court at Richmend to be heard at the January term, 1896.

Foster and others vs. Groner and others. Appeal and supersedeas to the Corporation Court of the city of Norfolk.

Bennett vs. Boulware and others. Appeal and supersedeas to the Chancery Court of the city of Richmond. Hippert vs. Commonwealth. From the County Court of Alleghany. Writ of

County Court of Alleghany. Writ of error and supersedeas.
Chesapeake and Ohio Railway Company vs. Howard. From the Circuit Court of Nelson county. Writ of error refused.
Tanner & Vaden vs. Traders' Loan, Trust, and Deposit Company. From the Circuit Court of the city of Roancke. Writ of error refused.
Keffer and others vs. Rogers and others. From the Circuit Court of Botelourt county. Appeal refused.

Nearly Overcome by Sewer Gas.

Sewer-gas came near causing the death vestering of Mr. Daniel O'Donnell, a plumber: Mr. Gal'agher, his assistant, and Henry Coleman, a colored laberer. The men were at work in the cellar of Murphy's Hotel. Mr. O'Donnell ra-sed an old trap, and in an instant the cellar was filled with the deadly gas. The colored man fell insensible, and Mr. O'Donnell, though nearly fainting himself, dragged him to the front of the cellar and thence to the street, where he himself succumbed. Mr. Gallagher, though nearly suffocated, managed to get to the street before the vapor could overcome him. The ambulance was summoned, and the men were soon relieved. This is Mr. O'Donnell's third escape from death by being nearly suffocated with sewer-gas.

At a stated convocation of Lafavette Royal Arch Chapter, No. 43, held at the Mason Tempe last evening, the follow-ing officers were elected and installed for the ensuing twelve months: Most Exceling officers were elected and installed for
the ensuing twelve months: Most Excellent High Priest. Young Jones; King,
R. F. Patterson; Scribe, L. T. Christian;
Tressurer, R. E. Macomber; Scerstary,
Augustus Arsell. The council made the
following appointments: Captain of Host,
John W. Anderson; Principal Sojourner,
James W. Anderson; Royal Archanda,
R. L. Peters; Master First Vell, J. S.
Hall; Master Second Vell, A. R. Courtney; Master Third Veil, T. L. Richardson; Chaplain, Rev. Preston Nash; Steward, William Krause; Janitor, D. B. Collins.

The Frank Case Continued.

The examination in the case of Frank Morgan alias Paul Frank, who was brought here from the Police Court yesterday until the 21st, in order that witnesses may be summed as a suspicious character. Princesy has been making a habit of getting cothes from a number of lades for the purpose of selling them on commission. She invariably, however, kept the whoe amount received for the articles. Compiaint was lodged against her by several ladies, and Wednesday Sergeant Hall arrested her. The Frank Case Continued

A Runnway Accident.

While Mr. Charles R. Guy, of the firm of Ellington & Guy, was driving out near the Soldiers' Home yesterday after-moon his horse ran away, and he was thrown out and painfully cut and brulsed. He was carried to the home, and after being treated by Dr. Eggeston was driven to his residence, in the city.

Mr. Harry Hancock and Miss Effie Smith were married in Manchester last night, Rev. Dr. Lear performing the ceremony. The case of Mr. Hancock, charged with betraying the young lady under cromise of marriage, will, therefore, be dismissed when it is called before the Mayor in the Poice Court to-day.

Oliver Tuft, the 12-year-old son of Mr. J. L. Tuft, fell yesterday from a tree into which he had climbed, and broke his eft arm. A physician, who happened to be attending a patient in the neighborhood, was called in, and set the broken



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FOR CHRISTMAS.
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SAVE YOUR HAIR BY USING PSYPHORGUE, the only hair tonic that will keep your head clean of dandruff and free of grease. F. JACKSON.

Room 4, Chamber of Gommerce, de 20-11\* TOO LATE FOR CLASSIFICATION.

WANTED, TWO NEWFOUNDLANDS, THREE PUG-DOGS, TWO FOX-TER-RIERS, TWO SKYE-TERRIERS; also, ONE YOUNG MALE GOAT, ASSOCIATED FANCIEYE BIRD-STORE \$100.000 at 100.000 at 100

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Breeden, Talley & Co., 309 E. BROAD STREET, THE QUALITY STYLE-PRICE STORE.

# Borrow Sister's Stocking.

Brother-Mamma and Santa Claus nave been up here together this week, and bought such a lot of things.

That is what we say to little Jimmie-Boy, and to mamma: If you have not been up yet for your Christmas buying, come to-day. Bring the children early, and let them stay late.

Christmas Linens.

Red Table Damask, 19c, to 75c.

Christmas Linens.
Red Table Damask, 19c. to 75c.
Cream Table Damask, 16 2-3c. to 31.
White Table Damask, 25c. to 31.75.
Cream Linen Fringed Dollies, at 29 and 3c. per dozen; worth, 49 and 50c.
White Napkins, 50c. to 36 per dozen.
Checked Napkins, 25c. per dozen; up-Linen Table-Sets, Cloth and Napkins,

Linen Table-Sets, Cloth and Napkins, at reasonable prices.
Cotton Crash, \$1.25 a piece of 25 yards.
Cotton Diaper, 49c, a piece of 10 yards.
Art Linens, embracing the following makes: Hollis, 50c. Powhatan, 69c., and Nathaniel, 80c.
These well-known Linens are for drawn-work. The width is 45 inches and the prices are reasonable. Be sure to see our Linens.

de 20-2t



is a conservative estimate of the capacity of our new LUMBER WAREHOUSE at the corner of 9th and Arch streets, adjoining our old yards and sheds. Write, phone or call and see us when you want anything in this line.—from common Pine Framing to the highest revised Hordwoods.

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19 26-F&TG.

OFFICE COLLECTOR CITY TAREA!
ROOM 7. FIRST FLOOR. CITY HALL.
NOTICE 10 14A-7A1ERS.
The residue of city taxes for 1855 are now due and payable at this office during this month Every male II years of age, every person k-eping house, and all parties doing business or having personal parties doing business or having personal property in this city are assessed for personal taxes and are requested to call and settle, and thus avoid being reported delinquent and so posted.
Paving, pipe-, and sewer-connection bills are also due. The penalty that the ordinance imposts will be added to all bills remaining unpaid in this office after December 31st, Office hours, 3 A. M. to 5 P. M. ordinance of community with the community of the communit

FOR SALE CHEAP. A LADY'S SMALL HORSE: perfectly gentle, and afraid of nothing. Will sell horse sione, or horse, buggy, and barness. Apply at PHILLIPES STABLE, Cherry street.